

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico



United States of America

v.

Michael David Fox

Case No. 23-924 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 18, 2023 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:

Code Section
18 U.S.C. § 875 (c)

Offense Description
Interstate Threatening Communications

This criminal complaint is based on these facts:
See Attached "Affidavit"

☒ Continued on the attached sheet.


Complainant's signature

James P Scott, Special Agent, FBI
Printed name and title

by telephone
Sworn to before me and signed in my presence.

Date: 5/28/2023


Judge's signature

City and state: Las Cruces, New Mexico

Kevin R. Sweazea, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, James P Scott, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since January 2021. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned as a criminal investigator for the Albuquerque Field Office, Las Cruces Resident Agency, New Mexico. Prior to my current position, I conducted counterintelligence investigations. I am currently assigned to investigate Title 18 violations occurring in Southern New Mexico.
2. During my tenure with the FBI, I have received formal and informal training in conducting a variety of criminal investigations. I have executed, or participated in the execution of, multiple search warrants. I have utilized investigative techniques including, but not limited to, consensual monitoring, witness interviews, and subject interviews.
3. Information contained in this affidavit was obtained from my own investigation and information from other duly sworn police officers and does not contain all information known by me, only facts for consideration of probable cause.
4. I make this affidavit in support of a criminal complaint that between on or about May 18, 2023, in Doña Ana County, in the District of New Mexico, Michael David Fox, unlawfully and knowingly threatened to kill an active member of Congress, in violation of 18 U.S.C. § 875(c).

Relevant Statutes

5. Title 18 U.S.C. § 875(c) makes it a federal crime to transmit in interstate or foreign commerce

any communication containing any threat to kidnap any person or any threat to injure the person of another.

Probable Cause

6. On May 18, 2023 at approximately 9:04 PM, Michael David Fox (Fox) called the office of a congresswoman for the District of Texas, United States House of Representatives ("V1"), who is from Houston, Texas. The call was received by V1's office. In the phone call Fox stated "Hey [V1], you're a man. It's official. You're literally a tranny and a pedophile, and I'm going to put a bullet in your fucking face. You mother fucking satanic cock sucking son of a whore. You understand me you fucker?" Law enforcement was able to trace the call back to Las Cruces, New Mexico, and it was believed that Fox was the user of cellular account used to make the call.
7. On May 26, 2023, the Federal Bureau of Investigation (FBI) Special Agents (SAs) James P Scott and Marchand Thomas MacDermotRoe found Fox at his residence in Las Cruces, New Mexico. SAs Scott and MacDermotRoe knocked on the door and identified themselves as FBI agents. Fox agreed to speak to agents and walked outside. SAs Scott and MacDermotRoe asked Fox about the phone call made to V1, and Fox immediately admitted "No, I did that." Fox then claimed to have made a phone call but was unsure of the details. The interviewing agents played a recording of the call to Fox, in which he replied, "That's me."
8. Fox acknowledged that the threat was direct but claimed that he did not own any guns. Fox claimed to be a member of the Q2 Truth Movement, the Q Movement. Fox explained these movements believe all over the world there were transgender individuals running governments, kingdoms, and corporations. Fox explained that there is a plan called "Q the


Plan to Save the World” which he learned about from an online video. Fox claimed that he believed Q was going to engage in the “eradication” of the people who were causing all the world’s misery. Fox believed that part of the eradication had already happened.

9. Fox explained that he had run V1’s skull features through forensic analysis and determined that V1 was born male and is now transgender. Fox discussed his military service with the United States Air Force, Q the Plan to Save the World, and how God communicates using numbers. Fox continued to reiterate several different types of conspiracy theories indicating extreme far right ideologies as his explanation for why he conducted the phone call to threaten V1.
10. Fox rescinded his threat against V1 and apologized. Fox claimed he was not intoxicated or under the influence of drugs when he made the call. Fox stated he understood how V1 would feel threatened by his phone call. Fox acknowledged that anyone he knew or cared about would also be concerned with such a threat.

Conclusion

11. Your affiant submits that probable cause exists to believe that Michael David Fox violated 18 U.S.C. § 875(c), Interstate Threatening Communications.
12. Assistant United States Attorney Marisa Ong approved prosecution in this case.

Respectfully submitted,


James P. Scott
Special Agent
Federal Bureau of Investigation

by telephone
Subscribed and sworn to before me this 28th day of May, 2023.

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A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. The first name "Kevin" is written in a larger, more prominent script, and "Sweazea" follows in a similar but slightly smaller script. The signature is positioned above a horizontal line.

The Honorable Kevin R. Sweazea
United States Magistrate Judge